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• Practice Limited to
Federal Agencies

October 28, 2005

15W \$1633
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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 1633

Mail Stop Amendment

Re: U.S. Utility Patent Application
Application No. 09/843,922; Filed: April 30, 2001
For: **Negative-Sense RNA Virus Vector for Nerve Cell**
Inventors: **Fukumura et al.**
Our Ref: **2144.0270001/RWE/FRC**

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal (Form PTO/SB/17);
2. Credit Card Payment Form (Form PTO-2038) for \$180.00 to cover the fee for consideration of an Information Disclosure Statement;
3. Eleventh Supplemental Information Disclosure Statement;
4. Form PTO/SB/08A (1 sheet);
5. Form PTO/SB/08B (1 sheet);
6. Copies of eleven (11) references (Documents FP1, FP2 and NPL1-NPL9); and
7. Return postcard.

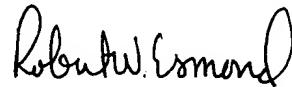
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
October 28, 2005
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

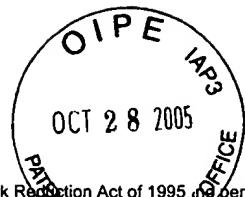
Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert W. Esmond
Attorney for Applicants
Registration No. 32,893

RWE/dab
459309_1.DOC
Enclosures



Equivalent to Form

PTO/SB/17 (12-04)

Approved for use through 07/31/2006.

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective 10/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2005

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)
180.00

Complete if Known

Application Number	09/843,922
Filing Date	April 30, 2001
First Named Inventor	Fukumura, M.
Examiner Name	Kelly, Robert M.
Art Unit	1633
Attorney Docket No.	2144.0270001/RWE/FRC

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: 19-0036 Deposit Account Name: Sterne, Kessler, Goldstein & Fox P.L.L.C.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		<u>Fees Paid (\$)</u>
	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent

<u>Small Entity</u>
50 25

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent

<u>Small Entity</u>
200 100

Multiple dependent claims

<u>Small Entity</u>
360 180

Total Claims

Extra Claims Fee (\$) Fee Paid (\$)

Multiple Dependent Claims

Fee (\$) Fee Paid (\$)

- 20 or HP = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20

Indep. Claims Extra Claims Fee (\$) Fee Paid (\$)

- 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)

_____ - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: \$180 consideration of an Information Disclosure Statement

Fees Paid (\$)

180

SUBMITTED BY

Signature	<u>Robert W. Esmond</u>	Registration No. (Attorney/Agent)	32,893	Telephone	(202) 371-2600
Name (Print/Type)	Robert W. Esmond			Date	October 28, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Fukumura *et al.*
Appl. No.: 09/843,922
Filed: April 30, 2001
For: **Negative-Sense RNA Virus Vector
for Nerve Cell**

Confirmation No.: 2336
Art Unit: 1633
Examiner: Kelly, Robert M.
Atty. Docket: 2144.0270001/RWE/FRC

Eleventh Supplemental Information Disclosure Statement

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. Copies of the cited documents are enclosed.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may

not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

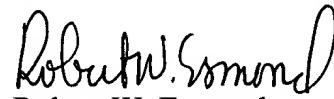
Document FP2 is in a foreign language. The relevance of Document FP2 may be ascertained by reference to Document FP1, which is believed to be an English-language equivalent.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

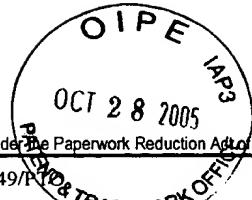
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


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Attorney for Applicants
Registration No. 32,893

Date: October 28, 2005

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449/PTO & TRADEMARK OFFICE				Complete if Known	
				Application Number	09/843,922
				Filing Date	April 30, 2001
				First Named Inventor	Fukumura, M.
				Art Unit	1633
				Examiner Name	Kelly, Robert M.
Sheet	1	of	1	Attorney Docket Number	2144.0270001/RWE/FRC

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	US1				
	US2				
	US3				
	US4				
	US5				
	US6				
	US7				
	US8				
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FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)			
	FP1	EP 1 186 667 A1	03-13-2002	Dnavec Research Inc.	
	FP2	WO 00/70070 A1	11-23-2000	Dnavec Research Inc.	
	FP3				
	FP4				
	FP5				
	FP6				
	FP7				
	FP8				
	FP9				

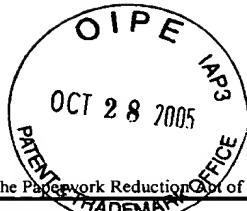
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Examiner Signature	Date Considered
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Substitute for form 1449/PTO

**ELEVENTH SUPPLEMENTAL
INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Use as many sheets as necessary)

Sheet

1

of

1

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Application Number	09/843,922
Filing Date	April 30, 2001
First Named Inventor	Fukumura, M.
Art Unit	1633
Examiner Name	Kelly, Robert M.
Attorney Docket Number	2144.0270001/RWE/FRC

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published	T ²
	NPL1	De Fiebre, C.M. <i>et al.</i> , BIOSIS Abstract No. PREV199497312728:1994	
	NPL2	De Fiebre, C.M. <i>et al.</i> "Differential Adenoassociated Virus Vector-Driven Expression of a Neuropeptide Y Gene in Primary Rat Brain Astroglial Cultures after Transfection with Sendai Virosomes Versus Lipofection TM ," <i>Neurochem. Res.</i> 19:643-648, Plenum Publishing Corporation (1994)	
	NPL3	Kato, A. <i>et al.</i> , "Initiation of Sendai virus multiplication from transfected cDNA or RNA with negative or positive sense," <i>Genes to Cells</i> 1:569-579, Blackwell Science Limited (1996)	
	NPL4	Moriya, C. <i>et al.</i> , "Large quantity production with extreme convenience of human SDF-1 α and SDF-1 β BY A Sendai virus vector," <i>FEBS Letts.</i> 425:105-111, Federation of European Biochemical Societies (1998)	
	NPL5	Suzuki, J.-I. <i>et al.</i> , BIOSIS Abstract No. PREV199799702925:1997	
	NPL6	Suzuki, J.-I. <i>et al.</i> , "Prevention of graft coronary arteriosclerosis by antisense cdk2 kinase oligonucleotide," <i>Nature Med.</i> 3:900-903, Nature Publishing Group (1997)	
	NPL7	Yamada, K. <i>et al.</i> , BIOSIS Abstract No. PREV199799322964:1996	
	NPL8	Yamada, K. <i>et al.</i> , "Efficient oligonucleotide delivery using the HVJ-liposome method in the central nervous system," <i>Am. J. Physiol.</i> 271:R1212-1220, American Physiological Society (1996)	
	NPL9	Supplementary Partial European Search Report for European Patent Application No. 99926878.2, mailed September 20, 2005	

459134_1.DOC

Examiner Signature	Date Considered

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¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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